

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-16 and 18-23 are pending. Claim 17 is canceled without prejudice to or disclaimer of the subject matter set forth therein.

No claims are amended, and claims 21-23 are added. Claims 1, 21, and 22 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 14-17 would be allowable if rewritten in independent form.

Applicants thank the Examiner for the early indication of allowable subject matter in this application. In response,

arguments are presented below pointing out that independent claim 1 is in condition for allowance as currently written;

independent claim 21 has added herein combining with the allowable subject matter of objected to claim 17 and independent claim 1; and

independent claim 22 has been added to combine the subject matter of independent claim 1, allowable claim 14 and intervening claims 5 and 8.

Accordingly, independent claims 1, 21, and 22 are now in condition for allowance.

Claim for Priority

The Examiner has acknowledged the Applicants' claim for foreign priority.

Information Disclosure Citation

Applicants thank the Examiner for considering the reference supplied with the Information Disclosure Statement filed on May 3, 2004, and for providing Applicants with an initialed copy of the PTO-1449 form filed therewith.

The Examiner is advised that another IDS was filed on January 24, 2005. It is requested that the Examiner provide the Applicants with an initialed copy of the PTO-1449 form with the next official communication.

Drawings

It is gratefully appreciated that the Examiner has accepted the drawings.

Obviousness-Type Double Patenting Rejection

Claims 1-13 and 18-20 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 09/949,804 in view of Slater. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants are herewith submitting a Terminal Disclaimer disclaiming the terminal portion of any patent granted on the present

application which would extend beyond the expiration of any patent which issues from U.S. Application No. 09/949,804. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejection Under 35 U.S.C. §103(a)

Claim 1-3, 5-13 and 18-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lazzeroni et al. (U.S. Publication 2002/0176595) in view of Sekimori et al. (U.S. 5,816,825), and further in view of Slater (U.S. 6, 774,557).

This rejection is respectfully traversed.

Arguments Regarding Independent Claim 1

As mentioned above, independent claim 1 as currently written is believed to be in condition for allowance. Claim 1 recites a combination of elements directed to a communication system for a helmet, including *inter alia*

- a magnet-side socket mounted on the helmet;
- a magnet-body-side socket for detachably connecting to the magnet-side socket;
- a connecting cable extending from the magnet-body-side socket; and
- a communication unit connected to the magnet-body-side socket for communicating voices in which a relatively large physiological sound is not transmitted.

Support for the above features can be seen, for example, in FIG. 1. Further paragraph [0008] sets forth advantages of the invention of claim 1, including “since a magnet-side socket (i.e., a source for generating magnetic field lines out of a pair of connectors) constituting a magnetic connector is mounted on the helmet, and no source of magnetic field

lines exists on the cable, the possibility that magnetically damaging effect is exerted on the magnetic card or the like is reduced, even when the cable is stored and carried in the pocket or in the bag together with the magnetic card”.

By contrast, as conceded by the Examiner, the Lazzeroni et al. document does not disclose that the socket has a magnet side on the helmet and a magnet body side.

With regards to Sekimori, this document merely discloses a female connector 2 and a male connector 3 connected by the first magnetic substance 3 and the second magnetic substance 3' (see column 2, lines 13-22). Sekimori does not disclose that the magnetic-side socket of the magnetic connector is provided in the helmet and the magnetic-body-side socket of the magnetic connector is provided in the connecting cable. Therefore, as described above, Sekimori cannot achieve the advantages of the invention as set forth in claim 1.

Slater cannot make up for the deficiencies of Lazzeroni et al. and Sekimori.

In view of the above amendments and arguments, the Applicants respectfully submit that no combination of Lazzeroni et al., Sekimori, and Slater can teach or suggest the novel combination of features set forth in independent claim 1 of the present invention.

Therefore, independent claim 1 is in condition for allowance.

Added Independent Claims 21 and 22

Independent claim 21 has added herein combining with the allowable subject matter of objected to claim 17 and independent claim 1.

Further, independent claim 21 has been added to combine the subject matter of independent claim 1 (as originally filed), allowable claim 14 and intervening claims 5 and 8.

Therefore, independent claims 21 and 22 are in condition for allowance.

Dependent Claims

Dependent claim 17 is now canceled, and dependent claim 23 is added. Support for the novel features set forth in added dependent claim 23 can be found, for example, in paragraph [0026] of the specification.

All pending dependent claims are in condition for allowance due to their dependence on allowable independent claim 1.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

Application No. 09/985,890
Amendment dated March 31, 2005
Reply to Office Action of December 13, 2004

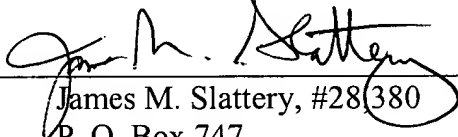
Docket No. 0505-0912P
Art Unit: 2644
Page 13 of 13

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery, #28380
P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JMS:CTT/ags 

Attachment: Terminal Disclaimer